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EXAMINER

TM01/0223

ANTONELLI, TERRY, STOUT & KRAUS, LLP
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ART UNIT	PAPER NUMBER
2163	12

DATE MAILED: 02/23/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 12/11/2000.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 9-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 9-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE

Application/Control Number: 09/083,681

Art Unit: 2163

DETAILED ACTION

1. This communication is in response to the request for reconsideration filed December 11, 2000.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 9, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al (US Patent 4,799,156).

Shavit et al disclose:

Claim 9. A method for creating an electronic catalog [Col 1, lines 62-64 recited with col 12, lines 58-59] and processing purchase order [Abstract, lines 1-5, col 25, lines 58-67],comprising the steps of:

a) requesting a vendor quotation [Col 7, lines 56-57 read with col 1, lines 10-12];

b) creating blanket vendor order [Col 12, lines 60-61 and claim 8, lines 65-66];

c) entering the blanket vendor order in the electronic catalog, wherein the electronic catalog comprises a plurality of items, quantities, shipment charges, delivery times and availabilities [Col 10, line 35, Col 12, lines 54-59 (specifically lines 58-59) recited with lines 63-68 (specifically lines 67-68), col 8, line 48, claim 33, lines 5-9, col 16, lines 53-54 read with col 17, line 21, col 13, line 37, col 15, lines 62-63 and col 33, line 46];

e) creating purchase request [Col 13, lines 51-52];

f) requesting an item from the plurality of items electronic catalog using the purchase request [Col 12, lines 65-68 continue col 13, lines 1, 51-52 and col 12, lines 54-59 (specifically lines 58-59)];

g) communicating said order from the electronic catalog to a vendor [Abstract, lines 1-9, col 13, lines 1, 51-52 and col 12, line 54-59 and col 6, lines 10-11];

h) receiving acknowledgment of the communicated order [Col 1, lines 34-36 and col 12, line 61];

i) receiving the ordered item [Fig. 3 (124) and col 13, line 1]; and

j) recording receipt of said item [Col 15, lines 48-49 and col 13, line 1];

Shavit et al fail to teach the following step:

d) creating a pre-approved budget;

Official notice is taken that the feature is an old and well known practice in business/marketing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to incorporate the feature in Shavit et al's invention, because the feature is a basic and essential requirement of any business/organization/institution, so spending limits could be known and maintained by the personnel involved.

In the undernoted claim:

Claim 19. A method as recited in claim 9, further comprising:

Shavit et al show storage, financial service providers, logging the transactions and generating a journal [Col 5, line 30, col 6, line 13 and col 11, lines 22-26], yet do not explicitly teach the following features:

creating an accounts payable record initiated by said record of receipt; and

placing the item in an inventory.

Official notice is taken that the features are old and well known in the computerized business art. It would have been obvious to one of ordinary skill in the art at the time of instant invention, to advantageously use the available resources to create an accounts payable record and place it the storage.

Claim 20. A method as recited in claim 9, wherein receiving order further comprises:

creating a carrier data base containing information to determine shipping costs and delivery schedules [Shavit et al: Fig. 19];

tending an offer of shipment to a selected carrier [Shavit et al: Fig. 19 (458, 460, 462, 470 and 472) and col 29, lines 66-68 continue col 30, lines 1-2]; and

receiving confirmation from the carrier [Shavit et al: Fig. 19 (470)].

4. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al (US Patent 5,434,394) in view of Shavit et al (US Patent 4,799,156).

Roach et al show:

Claim 10. A system for creating an electronic catalog [See discussion of element e below], comprising:

a) means for purchasing an item [Fig. 4b (402) described col 13, lines 12-18];

b) means for creating a graphical user interface [Figs. 4a-4e and 5] for a customer service input an order [Col 9, lines 18-30 (specifically lines 18-22 and 27-28)];

c) means for tendering a load to a carrier for shipment [Fig. 4c (404), col 2, lines 19-21 and Fig. 6 (614)];

d) means for creating an automated warehousing ticket [Col 4, lines 42-43]; and

Roach et al do not teach the undernoted feature:

e) means for creating an electronic catalog based on a blanket vendor agreement wherein said electronic catalog comprises a plurality of items, quantities, shipment charges, delivery times and availability.

However, Shavit et al show the same [Col 1, lines 61-68 (specifically lines 62-63), Fig. 2 and Fig. 24 (644) described col 33, lines 63-64, Fig. 14 (340) described col 26, lines 5-9, 33-34 and Col 12, lines 54-59 (specifically lines 58-59) recited with lines 63-68 (specifically lines 67-68), col 8, line 48, claim 33, lines 5-9, col 16, lines 53-54 read with col 17, line 21, col 13, line 37, col 15, lines 62-63 and col 33, line 46].

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Shavit et al's feature in Roach et al's invention, because it would facilitate consolidated marketplace information about and to efficiently conduct business with a variety of vendors/suppliers/service providers at one database/catalogue.

In the following claim Roach et al fail to show all the features excepting e):

Claim 11. The system of claim 10, wherein the means for purchasing an item further comprises:

e) means for communicating a purchase request and a purchase release to a vendor [Fig. 1 (34), col 4, line 64 and col 10, lines 17-22 (specifically line 20)];

However, Shavit et al teach:

a) means for creating a blanket vendor order [Shavit et a: Col 12, lines 60-61 and claim 8, lines 65-66];

b) means for providing user input to generate a requisition request to requisition the item [Shavit et al: Col 13, lines 51-52];

c) means for processing the requisition request by comparing said requisition request to the blanket vendor agreement to determine availability of the item [Shavit et al: Col 2, lines 60-65 (specifically line 61) and col 10, lines 33-39, col 12, lines 42-43, 65-68 continue col 13, lines 1, 51-52, Fig. 14 (340), col 26, lines 5-9, col 27, lines 45-47 and col 33, line 46]; and

f) means for acknowledging the purchase request [Shavit et al: Col 1, lines 34-36 and col 12, line 61];

It would have been obvious to one of ordinary skill in the marketing art at the time of instant invention to include Shavit et al's features into Roach et al's invention, because the same would facilitate purchaser to provide consolidated marketplace information about and to efficiently conduct business with a variety of vendors/suppliers/service providers.

Both Shavit et al and Roach et al fail to teach the following feature:

d) means for checking the availability of funds against a budget to approve a purchase transaction.

Official notice is taken that the aforementioned feature is old and well practice in the business and marketing art. It would have been obvious to one of ordinary skill in the art at the time of instant invention to incorporate the feature into Shavit et al's invention as combined with Roach et al's, because the feature is a basic and essential requirement of any business/organization/institution, so spending limits could be known and maintained by the personnel involved.

Roach et al do not disclose the features in the understated claim:

Claim 12. The system of claim 11, wherein the means for purchasing an item further comprises:

However, Shavit et al teach the same:

means for receiving the item [Shavit et al: Fig. 3 (124) and col 13, line 1];

means for creating a record of the receipt [Shavit et al: Col 15, lines 48-49 and col 13, line 1];

means for creating an accounts payable record initiated by said record of receipt [Shavit et al: Fig. 14 (310, 314) and Fig. 15 (344)]; and

means for placing the item in an inventory [Shavit et al: Col 17, lines 56-57].

It would have been obvious to one of ordinary skill in the art at the time of current invention to incorporate Shavit et al's features into Roach et al's invention, because it would provide a comprehensive system that would facilitate efficiency and would save time.

Claim 13. The system of claim 10, wherein the means for creating a graphical user interface for a customer service representative, further comprises:

means for creating screens in a window context with multiple files, said screens having buttons to control access to files, wherein said buttons are used to access customer records [Roach et al: Figs. 4a-4e, 5, 8a and 8b].

Roach et al fail to show the features in the following claim, however, Shavit et al teach:

Claim 14. The system of claim 10, wherein the means for tendering a load to a carrier for shipment further comprises:

means for creating a carrier data base containing information to determine shipping costs and delivery schedules [Shavit et al: Fig. 2 (86), col 36, line 46 and lines 23-49];

means for tendering an offer of shipment to a selected carrier [Shavit et al: Fig. 33 and col 36, lines 31-49 (specifically lines 47-49)]; and

means for receiving confirmation from the carrier [Shavit et al: Col 6, lines 60-62].

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Shavit et al's features into Roach et al invention, because shipping is an integral part of an on-line business and inclusion of carrier information would provide an all-in-one system.

Claim 15. The system of claim 10, wherein the means for creating an automated warehousing ticket [Roach et al: Col 4, lines 42-43] further comprises:

a) means for generating pick-order data for an item [Roach et al: Col 2, lines 40-41];

b) means for picking the item from an inventory [Roach et al: Col 10, lines 17-19, 32-34];

c) means for creating a record of the picked item [Roach et al: Col 10, lines 28-31];

d) means for transmitting said pick-order data to a central data base in real time [Roach et al: Fig. 1 (16, 40 to 52) and col 2, line 61];

e) means for delivering the picked item to a shipping point [Roach et al: Col 2, lines 15-17 and Fig. 6 (614)];

f) means for transmitting data representing delivery of the item for shipment to said data base [Roach et al: Col 2, lines 9-17 and Fig. 1 (52)]; and

g) means for consolidating said pick-order and shipment data into a record in said database [Roach et al: Col 2, lines 56-59 and Fig. 1 (52)].

Roach et al do not teach the features in the undernoted claim, however, Shavit et al teach all the features except " means for creating a pre-approved budget " ;

Claim 16. The system of claim 10, wherein the means for creating an electronic catalog further comprises:

a) means for requesting a vendor quotation [Col 7, lines 56-57 read with col 1, lines 10-12];

b) means for creating a blanket vendor agreement having a plurality of items, quantities, shipment charges, delivery items and availabilities [Col 12, lines 60-61, Fig. 14 (340), col 26, lines 5-9, claim 8, lines 65-66, and Col 12, lines 54-59 (specifically lines 58-59) recited with lines 63-68 (specifically lines 67-68), col 8, line 48, claim 33, lines 5-9, col 16, lines 53-54 read with col 17, line 21, col 13, line 37, col 15, lines 62-63 and col 33, line 46];

c) means for entering said blanket vendor agreement into the electronic catalog [Col 12, lines 58, 60-61 and 59];

e) means for creating a purchase request [Col 13, lines 51-52];

f) means for requesting an item from the electronic catalog [Col 12, lines 65-68 continue col 13, lines 1, 51-52 and col 12, line 59];

g) means for communicating said blanket order to a vendor [Abstract, lines 6-9, col 13, lines 1, 51-52 and col 12, line 54];

h) means for receiving acknowledgment of a blanket order request [Col 1, lines 34-36 and col 12, line 61];

i) means for receiving said ordered item [Fig. 3 (124) and col 13, line 1]; and

j) means for recording receipt of said item [Col 15, lines 48-49 and col 13, line 1].

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Shavit et al's features in Roach et al's invention, because the same would facilitate consolidated marketplace information about and to efficiently conduct business with a variety of vendors/suppliers/service providers at one database/catalogue.

Both Shavit et al and Roach et al fail to teach the following feature:

d) means for creating a pre-approved budget.

Official notice is taken that the aforementioned feature is old and well practice in the business and marketing art. It would have been obvious to one of ordinary skill in the art at the time of instant invention to incorporate the feature into Shavit et al's invention as combined with Roach et al's, because the feature is a basic and essential requirement of any business/organization/institution, so spending limits could be known and maintained by the personnel involved.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlafly (US Patent 4,734,858) in view of Shavit et al (US Patent 4,799,156) and further in view of Roach et al (US Patent 5,434,394) .

Schlafly shows:

Claim 17. A method for processing customer orders in a computer-based data processing system having a plurality of data processing devices electrically connected to communicate with each other [Title and Fig. 1], comprising:

d) receiving a customer order from a customer order input terminal [Fig. 1 (12.1-12.N to 14 or 16), col 5, lines 19-24, claim 11, lines 13-15 and 20-24];

e) processing the customer order using an interface module accessed through the customer order input terminal, said interface module coordinating access to electronic catalog

controlling interaction between a user and said electronic catalog [Figs. 3-6 described col 7, lines 13-68 continue col 8, lines 1-32];

f) generating the customer order in response to data inputs from the user through said customer order input terminal and data from said electronic catalog [Col 6, lines 32-35, Fig. 3 (84-98) described col 7, lines 18-42 and 48-68 and Figs. 4 and 5];

g) automatically checking an inventory for availability of an item corresponding to the customer order in response to the customer order by accessing an inventory data base [Col 1, lines 55-57, col 10, lines 11 and 22, Figs. 4 and 5, col 8, lines 9-11 and 15-16] and Figs. 4 & 5];

h) retrieving the item from the inventory by accessing an inventory storage location data base [Claim 12, line 43 and Figs. 4 & 5];

Schlafly does not show the following elements; however, Shavit et al teach the same:

a) requesting a blanket vendor order [Col 7, lines 56-57 read with col 1, lines 10-12];

b) creating a blanket vendor agreement [Col 12, lines 60-61 and claim 8, lines 65-66];

c) entering said blanket vendor agreement into an electronic catalog [Col 12, lines 60-61 recited with lines 58-59];

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Shavit et al's features in Schlafly's invention, because the same would facilitate consolidated marketplace information about and to efficiently conduct business with a variety of vendors/suppliers/service providers at one database/catalogue.

Schlafly and Shavit et al do not explicitly show the following elements; however, Roach et al teach the same:

i) building a load for shipment from the retrieved item [Roach: Col 17, lines 35-36]; and

j) scheduling delivery of the load to the customer [Roach et al: Col 17, lines 40-46].

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Roach et al's features in Schlafly's combined with Shavit's invention, because the same would facilitate consolidated marketplace information about and to efficiently conduct business services at one database/catalogue.

Claim 18. A method for processing a customer order using a networked computer-based data processing system [Title and Fig. 1], comprising:

d) receiving a customer order from a customer order input terminal [Fig. 1 (12.1-12.N to 14 or 16), col 5, lines 19-24, claim 11, lines 13-15 and 20-24];

e) processing the received customer order to generate a customer order in response to data inputs from a user [Figs. 3-6 described col 7, lines 13-68 continue col 8, lines 1-32];

f) automatically checking an inventory for availability of an item corresponding to the customer order by accessing the electronic catalog [Col 1, lines 55-57, col 10, lines 11 and 22, Figs. 4 and 5, col 8, lines 9-11 and 15-16] and Figs. 4 & 5];

g) retrieving the item by accessing an inventory storage location data base [Claim 12, line 43 and Figs. 4 and 5];

Schlafly does not show the following elements; however, Shavit et al teach the same:

a) requesting a blanket vendor order [Col 7, lines 56-57 read with col 1, lines 10-12];

b) creating a blanket vendor agreement [Col 12, lines 60-61 and claim 8, lines 65-66];

c) entering said blanket vendor agreement into an electronic catalog [Col 12, lines 60-61 recited with lines 58-59];

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Shavit et al's features in Schlafly's invention, because the same would facilitate consolidated marketplace information about and to efficiently conduct business with a variety of vendors/suppliers/service providers at one database/catalogue.

Schlafly and Shavit et al do not explicitly show the following elements; however, Roach et al teach the same:

i) building a load for shipment from the retrieved item [Roach: Col 17, lines 35-36]; and

j) scheduling delivery of the load to the customer [Roach et al: Col 17, lines 40-46].

It would have been obvious to one of ordinary skill in the marketing art at the time of applicant's invention to include Roach et al's features in Schlafly's combined with Shavit's invention, because the same would facilitate consolidated marketplace information about and to efficiently conduct business services at one database/catalogue.

Response to Arguments

6. Applicant's arguments filed December 11, 2000 have been fully considered but they are not persuasive.

A. Regarding the applicant arguments on pages 8-12, 14 and 15, applicant focuses the remarks on the claimed term/phrase "blanket vendor order" and points to pages 49-52 of the specification and Figures 37-40 for support. Applicant defines a blanket vendor order as "an order which covers (blanket) the sale of merchandise fro a number of items for possible delivery over an extended period of time." in the remarks of December 11, 2000 at page 9, lines 12-14. However there is nothing on pages 49-52 of the specification, or Figures 37-40, which limits the definition to such as defined by applicant in this most recent response. Further, there is nothing in those pages or figures which prohibits the interpretation as in the references to Shavit et al. or Roach et al. Finally, should applicant submit evidence that the term/phrase is known in the art, the examiner's position would remain unchanged as to the applicability of the references as it would only be a specialized type of order well known to one of ordinary skill in the art at the time of the invention.

B. Regarding "Official Notice" in the Office Action, the applicant would appreciate that:

The procedure surrounding the taking of Official Notice is clearly set forth in MPEP 2144.03 which reads in part:

> "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well - known" prior art. The examiner may take official notice of

facts outside of the record which are capable of instant and unquestionable demonstration as being "well - known" in the art."

"If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that judicial notice can be taken, it is sufficient so to state. In re Malcolm , 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position."

"If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard , 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with **rebutting** the well known statement in the next response after the Office Action in which the well known statement was made. This is necessary because the examiner must be given the opportunity to provide evidence in the next Office Action or explain why no evidence is required. If the examiner adds a reference to the rejection in the next action after applicant's rebuttal, the newly cited reference, if it is added merely as evidence of the prior well known statement, does not result in a new issue and thus the action can potentially be made final. If no amendments are made to the claims, the examiner must not rely on any other teachings in the reference if the rejection is made final."

Additionally, the Examiner would like to point out that:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art**, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143 - emphasis added).

Further, MPEP 2143.01 states that:

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." In re Linter , 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or **motivation** to do so found either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art**. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). (emphasis added).

Finally, as per the issue of rationale, MPEP 2144 states that:

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilly & Co ., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen , 851 F.2d 1401, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp , 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and Ex parte Levengood , 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

and that rationale different from applicant's is permissible:

The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. In re Linter , 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) (discussed below); In re Dillon , 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990), cert. denied , 500 U.S. 904 (1991) (discussed below). Although Ex parte Levengood , 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993) states that obviousness cannot be established by combining references "without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done " (emphasis added), reading the quotation in context it is clear that while there must be motivation to make the claimed invention, there is no requirement that the prior art provide the same reason as the applicant to make the claimed invention.

In each instance where the Examiner took Official Notice, specific motivation was supplied that would have been in the knowledge generally available to one of ordinary skill in the art.

The examiner does not have to show "that a pre-approved budget is used in conjunction with the creation of an electronic catalog" as applicant states, since Official Notice was not taken of such. Official Notice was taken that "Creating a pre-approved budget" is clearly well known. All organizations, whether they be businesses or governmental, work from budgets. In addition in the case where the company, business or governmental agency has divisions or sub-agencies, each division has its own budget from which it works for the calendar or fiscal year, or even quarterly. Additionally, such companies, businesses, or divisions must stay within this budget. They cannot spend more than they are approved, thus the clear showing of "checking the availability of funds against a budget to approve a purchase transaction."

Applicant has not provided adequate information or argument so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of reference(s) to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained. No further discussion/action in the matter is deemed necessary.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on M-F from 10:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax number for the organization is (703) 305-0040/308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

Eric W. Stamber

ERIC W. STAMBER
PRIMARY EXAMINER